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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,063	03/31/2004	William C. DeLeeuw	42339-199426	5261
26694	7590	04/27/2007	EXAMINER	
VENABLE LLP			CHEN, ALAN S	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20043-9998			PAPER NUMBER	
			2182	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/813,063

Applicant(s)

DELEEUW, WILLIAM C.

Examiner

Alan S. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007 and 28 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11,14 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,14 and 17-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/26/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments in light of the amendment, filed 03/26/2007, with respect to the prior art rejections as well as the 35 USC §101 and §112 rejections have been fully considered and are persuasive. The rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Pat. No. 6,111,893 to Volftsun et al. (*Volftsun*).

### ***Specification***

3. The amendment to the specification submitted 03/26/2007 is acceptable.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1,2,4,5-7,9-11,14 and 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 6,111,893 to Volftsun et al. (*Volftsun*).
6. Per claim 1, Volftsun discloses an apparatus (*Figs. 1 and 6*), comprising: first and second external devices (*any of two phones shown*) which each communicates using a respective first or second communication protocol (*Fig. 1 shows phones communicating via protocols A-E*); a communication device (*Fig. 6, the UPC is a communication device that translates various protocols in order to connect two or more external devices*) to support simultaneous communication of the first and second external devices (*Column 11, lines 55-62 disclose bi-directional communications; Column 31, lines 54-65 disclose conversations being carried out over the line, which clearly means simultaneous communications*) with a common platform (*Fig. 1, the common platform can be the network infrastructure itself, element 102, or the software platform being the Protocol Conversion Engine of Fig. 6*), which communication device comprises software (*Volftsun discloses the Protocol Conversion Engine explicitly being software, Column 5, lines 19-20 and Fig. 3*) to configure the communication device to communicate using the first and second communication protocols (*Fig. 6, UPC comprises the Protocol Conversion Engine which can communicate using any of the protocols A-E in Fig. 1*); and at least first and second communication interfaces (*Column 11, lines 63+*), which each adaptively communicatively couples the communication device to the common platform (*I/O interfaces couple the phones to each other and the network*), each communication interface to recognize and support the first and second communication protocols (*Column 11, lines 63+*).

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7. Per claim 2, Volftsun discloses claim 1, further disclosing said common platform comprises a computing platform (*Fig. 2, element 201 shows the hardware platform used in the apparatus being a computing platform*).

8. Per claim 4, Volftsun discloses claim 1, Volftsun further disclosing software dynamically, in real time (*Column 2, lines 65-Column 3, lines 6 disclose dynamic configuration to adapt to different protocols, as long as the protocol is in the library, the system is compatible to it; Column 8, lines 58-Column 9, lines 5 disclose real-time operations*) reconfigures the communication device to communicate using a third communication protocol (*Fig. 1, shows an example of five different protocols capable of being used, if one phone is swapped to another phone operating using a different protocol, that phone protocol will be adapted to*) and wherein at least one of the first or second interface device to recognize the third communication protocol (*the I/O adapter can operate using any of the protocols compatible with the Protocol Conversion Engine*) and adaptively communicatively couple the communication device to the common platform for a third external device to communicate to the common platform using the third communication protocol (*new phone is adapted to communicate with network and Protocol Conversion Engine using one of the plurality of protocols*).

9. Per claims 5-7,9,10,14,17-23, claims 1,2 and 4 are significantly similar and therefore the rejections of claims 1,2 and 4 are applied accordingly. Fig. 1 is construed to be a system and the phone and UPC being a communication subsystem. Non-volatile and volatile memory in Volftsun are used to store instructions executable by the

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processor (*Fig. 2, elements 201, 204 and 208*). Various protocols are shown in *Fig. 1*, communication devices being capable of using same or different protocols.

10. Per claim 11, Volftsun discloses claim 5, Volftsun further discloses one of the communications subsystems (*Fig. 1, element 118 and 120*) includes a driver (*Network Node drives the signaling to/from phone and network*). A communication interface (*Fig. 2, element 220*) interfaces the network node (*Fig. 2, element 240*).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 24 and 25 are rejected under 35 USC 103(a) as being unpatentable over Volftsun view of US Pat. Pub. No. 20020114321 in view of Ogren.

Volftsun discloses claim 1.

Volftsun does not disclose the apparatus or communication device being wireless devices.

Ogren discloses an apparatus and communication device (*Fig. 1 elements 10, 30 and 34*) being wireless.

Volftsun and Ogren are analogous art because they are from the same field of endeavor in adapting multiple telephone devices from various locations to a central connection station (*Fig. 1, element 12 of Ogren*) over a large network infrastructure.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to enable wireless communications in Volftsun.

The suggestion/motivation for doing so would have been the next step of the evolving telephony technology from wired technology is to wireless technology. Ogren shows a similar infrastructure as Volftsun and adding wireless technologies to Volftsun would increase convenience and marketability to Volftsun.

14. Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Volftsun in view of US Pat. No. 5,845,139 to Fischer et al. (*Fischer, previously presented*).

Volftsun discloses claim 7. Volftsun further discloses using I/O cards (*Fig. 6, elements 650-660*) in the common computing platform (*Fig. 6, element 100*).

Volftsun does not disclose expressly the computing platform having a low-power sleep mode where a processor on the I/O card of computing platform is awakened from sleep mode upon occurrence of a predetermined event.

Fischer discloses an I/O card having a processor, specifically a PCMCIA card, that implements SLEEP mode for the express purpose of saving power (*Column 2, lines 20-25*). Fischer further discloses activating the PCMCIA card in a wake-up scenario when the PCMCIA card functionality needs to be used (*Column 2, lines 20+*).

Volftsun and Fischer are analogous art because they are from the same field of endeavor in computing systems utilizing I/O cards to extend functionality of a host computer system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Volftsun to include a sleep-mode and wake upon activity from the network in Volftsun.

The suggestion/motivation for doing so would have been power saving features and powering up only when processing cycles are needed for more efficient use of power (*Column 2, lines 20-25 of Fischer*).

### ***Conclusion***

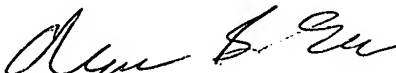
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ASC  
04/19/2007

  
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